

Remarks

Reconsideration and allowance are requested in view of the above amendments and the remarks below. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Claims 1-3 and 8-11 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter. In particular, the Examiner alleges that the claims are directed to embodiments "solely consisting of software code." Applicants respectfully disagree.

Independent claims 1, 4, 8, and 11 each set forth a "**network**" over which "chunks of an original e-mail" are sent and/or received. Such a "network" cannot solely consist of software code as alleged by the Examiner, because software code, by itself, is incapable of physically sending/receiving data.

Claims 1-2, 4-5, 8-9, and 11 are rejected under 35 U.S.C. 103(a) over Megiddo (U.S. 6,745,231) and Christenson et al. (7,117,246), hereafter "Christenson." Claims 3, 6-7, and 10 are rejected under 35 U.S.C. 103(a) over Megiddo, Christenson, and Grobman et al. (U.S. 2004/0190722), hereafter "Grobman." These rejections are defective because the references, taken alone or in any combination, fail to teach or suggest each and every feature set forth in the claims.

Regarding independent claim 1, and contrary to the assertions of the Examiner, Megiddo fails to disclose, *inter alia*, "wherein each of said plurality of chunks is transmitted as a chunk e-mail having **a same destination e-mail address, the destination e-mail address comprising an e-mail address of the chunk assembly agent.**" Megiddo discloses that each e-mail fragment is sent by sender 328 via at least two unique e-mail domains, which necessarily

requires the use of at least two different e-mail addresses. See, e.g., column 4, lines 10-30. Further, Megiddo discloses that the e-mail fragments are not e-mailed directly to the receiver 330. Rather, the receiver 330 must analyze the e-mail messages received in the e-mail accounts of the recipient (which have different e-mail addresses) and match the e-mail messages containing the fragments of the original e-mail message. Then, the original e-mail is reconstructed using the matched e-mail messages by the combiner 332. See, e.g., column 4, line 67 – column 5, line 4.

Christenson and Grobman fail to remedy the glaring deficiencies of Megiddo.

Independent claims 4, 8, and 11 are allowable for reasons similar to those set forth above with regard to independent claim 1.

Accordingly, Applicants submit that independent claims 1, 4, 8, 11, and their corresponding dependent claims, are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

/ John A. Merecki /

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